

**CITY OF BROKEN ARROW
PLANNING COMMISSION MEETING
MINUTES
July 24, 2003**

The Planning Commission Agenda for this meeting was posted on July 18, 2003, at 10:30 a.m. on the City Hall Bulletin Board, 220 S. First Street.

1. The Broken Arrow Planning Commission met on Thursday, July 24, 2003, at 5:01 p.m.

2. Present: Robert Goranson, Chairman
Renate Caldwell, Vice Chairperson
Johnnie Parks, Commission Member
Ricky Jones, Commission Member

Absent Mike Lester, Commission Member

Staff Present: Brent Murphy, Assistant City Planner
Karl Fritschen, Staff Planner
Joyce Snider, Admin Ass't
April Parnell, Ass't City Attorney
Justin Cook, City Engineer
Jeff Westfall, Engineering Dept
Don Slone, CDC

3. **PLANNING COMMISSION MINUTES**

3A. The Commission considered the minutes of the regular Planning Commission meeting held June 26, 2003. **Motion** by Johnnie Parks to approve the June 26, 2003, minutes as presented. The motion was seconded by Ricky Jones.

Yes: Jones, Parks, Caldwell, Goranson

No: None

Motion Approved

3B. The Commission considered the minutes of the regular Planning Commission meeting held July 10, 2003. **Motion** by Ricky Jones to continue the July 10, 2003, minutes to the meeting of August 14, 2003. The motion was seconded by Johnnie Parks.

Yes: Jones, Parks, Caldwell, Goranson

No: None

4. The Commission considered the Consent Agenda. Brent Murphy reviewed each item on the Consent Agenda.

Motion by Renate Caldwell to approve the Consent Agenda, as recommended by Staff, excluding Item Nos. 4A, 4H and 4J. The motion was seconded by Johnnie Parks.

Yes: Jones, Parks, Caldwell, Goranson

No: None

Motion approved

- 4A. PT03-116, DN03-155, Castlegate preliminary plat, 19.3 acres (PUD 120B/, BAZ 1606, BAZ 1377, BAZ 1387) north of Washington (91st) Street on the east side of Garnett Road, Sisemore, Weisz & Associates, Inc. (Engineer). The applicant was present. This item was removed from the Consent Agenda to be considered with PUD 120B, BAZ 1606, which are related.
- 4B. PT03-118, DN03-157, Expressway Plaza preliminary plat, 13.77 acres, 7 lots, C-5, BAZ 1599, PUD 138, southeast corner Elm Place and Tucson (121st) Street, Tulsa Engineering & Planning Associates, Inc. (Engineer). The applicant was present. This item was approved as recommended by Staff.
- 4C. PT03-119, DN03-158, Oklahoma Central Credit Union preliminary plat, 2.1 acres, 1 lot, O-3, (BAZ 1602) east side of Aspen Avenue, south of Washington (91st) Street, Tulsa Engineering & Planning Associates, Inc. (Engineer). The applicant was present. This item was approved as recommended by Staff.
- 4D. PT02-107, DN02-121, The Lakes at Indian Springs IV conditional final plat, (PUD 108D) three-quarters mile east of Elm Place, north of Jasper (131st) Street, Tulsa Engineering & Planning Associates, Inc. (Engineer). The applicant was present. This item was approved as recommended by Staff.
- 4E. PT03-109, DN03-134, Fairfield (Auto) Farms conditional final plat, 1.9 acres, (BAZ 1601) south side of Southwest Expressway Drive, about one-half mile west of Elm Place, west of Ford dealership, Hammond Engineering Co. (Engineer). The applicant was present. This item was approved as recommended by Staff.
- 4F. PT03-113, DN03-145, The Park on Florence 2nd conditional final plat, 39.7 acres, 125 lots, R-2, (BAZ 1552) northwest corner of Florence (111th) Street and Oak Avenue, Joe E. Donelson (Engineer). The applicant was present. This item was approved as recommended by Staff.
- 4G. PT03-117, DN03-156, Creekridge Park conditional final plat, 12.4 acres, 3 lots, C-2, (PUD 137) 700 feet north of Houston (81st) Street on the east side of Aspen Street, Tulsa Engineering & Planning Associates, Inc. (Engineer). The applicant was present. This item was approved as recommended by Staff.
- 4H. ST03-115, DN01-100, revised landscape plan, Tee Town Golf Ranch, A-1, (SP 164) 29.4 acres, one-half mile south of Kenosha Street on the east side of 209th East Avenue, Jason Hair (Applicant). The applicant was present. This item was removed from the Consent Agenda.
- 4I. ST03-125, DN03-149, R. S. Morris Office/Warehouse landscape plan, 1.6 acres, Albany, one-half mile east of Olive Avenue, Wozencraft Mowery & Associates (Applicant). The applicant was present. This item was approved as recommended by Staff.
- 4J. ST03-128, DN03-134, Fairfield Auto Rental Facility site plan, 1.9 acres, C-4 (BAZ 1601) one-half mile west of Elm Place, on south side of Southwest Expressway Drive, Mike Parrish for Louis Miller Trust. The applicant was present. This item was removed from the Consent Agenda.
- 4K. BAL 839, DN-159, Kentucky Fried Chicken on East Kenosha Street, 1341 East Kenosha Street, Tony Ashmore (Applicant). The applicant was not present. This item was approved as recommended by Staff.

- 4L. BAL 840, DN03-160, R-1, 13200 East 67th Street, Paul A. Barrett (Applicant/Owner) The applicant was not present. This item was approved as recommended by Staff.

5. **ITEMS REMOVED FROM CONSENT AGENDA**

- 4A. PT03-116, DN03-155, Castlegate preliminary plat. See Agenda Item No. 7.

- 4H. ST03-115, DN01-100, revised landscape plan, Tee Town Golf Ranch, A-1, (SP 164) 29.4 acres, one-half mile south of Kenosha Street on the east side of 209th East Avenue, Jason Hair (Applicant). The applicant was present. This item was removed from the Consent Agenda. Brent Murphy presented the background, saying SP 164 on this project was approved by the City Council in January 2002 and one of the conditions associated with that approval was the installation of landscaping in accordance with the Zoning Ordinance. He said the landscaping plan was approved by the Planning Commission in April 2002 and in November 2002 the City received a letter from the applicant asking that the landscaping be deferred until April 2003. In May, Staff visited the site and saw that none of the landscaping had been installed; a letter was sent to the applicant, who then met with City Staff and Staff explained the requirements of the Zoning Ordinance. The applicant, in turn, has submitted a revised landscape plan that proposes to use some existing trees in lieu of planting trees. However, a number of the existing trees are located on other property or are not within the required landscape areas. With these facts, the revised landscape plan does not meet the Zoning Ordinance requirements and Staff therefore recommends denial of the revised landscape plan. He said Staff would support phased installation of landscaping as previously approved by the Planning Commission.

Dennis Shook, P. O. Box 876, Wagoner, OK, 109 N. Cassidy, attorney for the applicant, said they would like to present a new proposal; Tee Town would like to receive credit for trees which exist on the facility, of which two to two and one-half acres was developed with the building. The rest of the area is used for ball landing and Tee Boxes for hitting. He agreed that a phasing plan would be in Tee Town's best interest and wanted to meet with Staff and negotiate a change in the size of the trees to be planted. He said there is agricultural land to the west of the facility, with some residential property to the southwest; to the immediate east is the Creek Turnpike and agricultural property to the south and to the north is vacant land. He said this being the case, the lack of landscaping on this facility is not impacting the surrounding property owners. He said they are seeking modifications to the landscaping plan.

Bob Goranson asked which landscaping plan the applicants wish to modify, the approved plan or the revised version. Mr. Shook said he was referring to the approved plan, but some modifications would be requested. Discussion followed regarding the facts already outlined and the time period necessary to continue this item in order for the applicant and Staff to meet.

Holly Hair, 7401 South 209th Avenue, Broken Arrow, the applicant, outlined the building and sodding done to date, how much has been spent, and said their facility does not fit in any of the categories used to determine what should be required of them. She said they are not trying to change the landscaping requirements, but how those requirements are being applied do not make sense for their interim use. She said they are trying to come up with a feasible plan which meets their financial needs and which meets the City's needs. Discussion followed regarding how to phase in the landscaping. Mrs. Hair questioned the need for eight-inch caliper trees and that was discussed, as was the phasing issue.

4H. continued

Brent Murphy said Staff would much rather see the landscaping done over a period of time, and get everything done, rather than not get it done at all. Mr. Murphy also noted that Staff cannot negotiate the requirements contained in the Zoning Ordinance.

Motion by Johnnie Parks to continue ST03-115 to the Planning Commission meeting to be held August 28, 2003. The motion was seconded by Ricky Jones.

Yes: Jones, Parks, Caldwell, Goranson

No: None

Motion approved

- 4J. The Commission considered ST03-128, DN03-134, Fairfield Auto Rental Facility site plan, 1.9 acres, C-4 (BAZ 1601) one-half mile west of Elm Place, on south side of Southwest Expressway Drive, Mike Parrish for Louis Miller Trust. The applicant was present. This item was removed from the Consent Agenda. Brent Murphy presented the background, saying the applicant was in agreement with all of the conditions recommended by Staff with the exception of Item Nos. 4 and 5. He said Item No. 4 provides for construction of a sidewalk along W. Southwest Expressway Drive and the applicant has requested this be waived. He said there is no sidewalk on the Ford Dealership property to the east of this property and the property to the west is undeveloped; further west where Southwest Blvd starts to curve and turns into the Chevrolet Dealership, they have sidewalks in that area and an auto body shop also has sidewalks. He said there are two major drainage channels on both sides of this property.

Mr. Murphy said Item No. 5 calls for an 8' high privacy fence on south side of property. He said the south side of this property abuts undeveloped property identified in the Comprehensive Plan as Level 6, which is commercial use, though it is presently zoned residential and is located three to four hundred feet away from residential property. He said Staff is in agreement with the applicant's request to delete Item No. 5. Discussion followed.

Adrien Smith, 5157 East 57th Street, Tulsa, said he represents Hammond Engineering Company and the Louis Miller Trust (the property owner). Bob Goranson asked Mr. Smith if he was in agreement with all of the conditions except Nos. 4 and 5 and Mr. Smith said he was.

Mr. Smith said there will be a drainage channel in the northwest corner of this site which will hook onto the box culvert in that area. He said the property owner said he does not want to install a sidewalk which ends in a ditch on either side of the property. Mr. Smith said Mr. Miller owns the adjoining property to the west and that Mr. Miller has said he will not ask for a waiver of the sidewalk on that property when he develops it.

Johnnie Parks asked if the adjoining property develops as R-1 would they be required to install an eight-foot fence. Brent Murphy said the Commission could make it a condition of this site plan approval. Discussion followed. There were no protestants present.

4J. continued

Motion by Ricky Jones to approve ST03-128, subject to Item No. 4, the sidewalk, being waived and Item No. 5, the eight-foot fence, being deferred until the area to the south is developed, if the property to the south is used residentially, the commercial property will be required to install an eight-foot fence. The motion was seconded by Johnnie Parks.

Yes: Jones, Parks, Caldwell, Goranson

No: None

Motion approved

6. The Commission considered PUD 120B, BAZ 1606, PT03-116, Castlegate, 21.3 acres, R-1 (BACP 16) (BAZ 1387) (PT03-116) one-quarter mile north of Washington (91st) Street on the east side of Garnett Road, Sisemore Weisz & Associates, Inc. (Applicant). Brent Murphy presented the background, saying this is a redesign of an earlier, smaller PUD which was approved by the City Council in January, 1999, for office zero lot line, single family development, with private streets. He said there is 12.7 acres of office development; the residential portion includes 6.6 acres and has 25 lots for smaller, cluster and zero lot line homes to be developed on a private, gated street. He said in conjunction with this PUD application is an application to rezone two acres from R-1 to O-3 in the area adjacent to Garnett Road, which contains a house. This house will be converted to office use. Mr. Murphy clarified that access was stated in the staff report to be through Berkshire on Lot 9, but it will actually be through Lot 8. He said Lot 9 was designated to be developed either as a residential lot, or could serve as a stub street to the property associated with the Castlegate PUD 120B development.

Brent Murphy said in 2001, the City Council approved a resolution that took away the street designation on that property (Lot 9) and said it could be used for residential purposes. He said the applicant is proposing to replat Lot 8 to include it in with this property and use it for access to this property. He said the approved PUD 120 proposed taking the access to the residential area out to Garnett Road, going along the south side of the property, south of the detention facility. He said this proposal no longer includes that, and all the access for the 25 units would be through the Berkshire development going out to the north and connecting into the street there. He said the west half of this property is proposed for office use, in accordance with O-3 design regulations with the exception that they would like the front yard setback to be 20-feet, rather than 50-feet. He said the detention facility in the center part of the property would be maintained by the property owners associated with the offices and the residences.

Johnnie Parks asked for clarification about how the project was laid out and was answered.

Darin Akerman, Sisemore Weisz & Association, Inc., 6111 East 32nd Place, Tulsa, representing Berkshire Development, LLC and Craig and Ellie Boos, briefly outlined the history of this tract and said there will be more refinements in the design concept as they progress, it will be landscaped, there will be fencing flanking both sides of the lot and both sides of the key pad will be paved, so the entrance will have a decorative look. He said there will be sliding gates which will be located on the property to the south of Berkshire. He said the detention pond will be heavily landscaped and the houses will be minimum 1,800 feet with a French architecture look and talked about the inclusion of stub streets in subdivisions.

6. continued

Bob Goranson asked what happened to the use of Lot 9 as a stub street and why the developer is trying to switch to Lot 8. Darin Akerman said Berkshire Development LLC has ownership of those lots and they sold lot 9. Bob Goranson said when they (sold Lot 9), they gave up that right-of-way and the right to build a road in there. Now they are asking for a through street to tie into it. Darin Akerman said sometime when property is not developed, there is a need to redesign efforts to make it marketable. He said Berkshire Development LLC pulled out of the office portion of the project so there was a need for development, in a nice fashion, of this property and this concept was brought forth by the Coast through Berkshire Development LLC.

Ricky Jones said he and the other Planning Commissioners have received a number of letters and some of the letters address private deed restrictions in the adjoining subdivision that state that all lots shall be used for residential single family purposes. He asked April Parnell if those are private deed restrictions that the City does not enforce, but it would not preclude any party to those covenants to file suit privately, apart from the City. April Parnell said the City would not get involved nor require replatting of property. Bob Goranson said in this case, by platting, the property is being taken out of residential use in the plat.

Chris Bartlett, 4601 West Toledo Street, Broken Arrow, said her property sets 50 feet from the corner line and one of her concerns would be the noise that would be caused by the gate, the intercom and the traffic. She said she knew there was the potential for a street two lots over and there was no indication there would be one right next to her property. She said she had researched and gathered all of the pertinent information related to her area. She said she has no objection to the offices, she just didn't want them coming through her neighborhood, beside her house.

Joe Gorsky, 1803 South Cypress Place, Broken Arrow, said there is already a stub street designed to go into that entry, Urbana Street; and asked if that street could be used. Since they gave up Lot 9, they gave up the right to develop a new one, unless the City approves it. He said the original plan called for entry through Garnett Road, that is still the quickest, safest route. He said if cars were parked on both sides of Cypress Place, it would be difficult to get emergency vehicles through that area.

Kiley Korn, 1811 South Cypress Place, Broken Arrow, said everyone in his neighborhood bought homes because they liked the setup. He said they saw that Castlegate was going to go in and had no problem with it. He said that was great marketability for the developer when they were trying to sell lots in Berkshire and now, for their future marketability, they are trying take it away from him and his neighbors, now that they have sold most of their lots. He said the developer no longer owns the majority of the lots because they dropped the price and builders purchased a number of them. So now for the marketability of Castlegate, they are going to dump all that traffic through a gated access only into his neighborhood, which will allow them to put in one or two more houses and will be able to put in one or two more commercial buildings without the original expense of taking all that traffic out to Garnett Road. He said Berkshire residents should not have to put up with traffic to and from a gated community, especially with a minimum of two years of construction traffic.

Bob Goranson asked Mr. Korn when he bought his house and Mr. Korn said he moved in February, 2001. Discussion followed.

There were about 30 protestants present.

6. continued

Steve Mattia, 1801 South Desert Palm, Broken Arrow, said he agrees with his neighbors who have spoken, talked about the safety problems due to heavy traffic and expressed concern for the safety of his children.

Kirk Shaffer, 1711 South Cypress Place, four lots up from the cul-de-sac, said he was not aware that Lot 9 had a potential for use as a road. He said he picked his street because it was a quiet street. He said the elimination of Lot 9 as a street is an economic plus for the developer, as he could put in one more building. He talked about alternatives for providing access to arterial streets and said he objects to this.

Bob Goranson said he understands people not wanting any more traffic through their neighborhood and talked about the situation in those neighborhoods. He said people are often told what is planned and then something else is done.

Johnnie Parks said you have to put yourself in the place of the people in their situation. He said even if he lived in that subdivision and knew Lot 9 was potentially a street, he would have known that there was a main street going to Garnett Road. He said he wouldn't have been that concerned about traffic going through Lot 9 if he knew a main street was going to go to Garnett Road. He said he thought this was a good project, but he was completely in opposition to not taking a street out to Garnett Road. Bob Goranson asked about taking a street into Berkshire and Johnnie Parks said he was in opposition to this even with a street into Garnett Road. He said he didn't think there needed to be a street into Berkshire. He said he is in opposition to this because now there is no street into Garnett Road. Discussion followed.

Brent Murphy said the requested zoning is in conformance with the Comprehensive Plan and Staff recommends BAZ 1606 by approved subject to the property being platted. He said Staff has recommended approval of PUD 120B subject to the two following corrections to the request:

1. Either modify the minimum front yard requirement for abutting the Common Drive for Lots 2, 5, 7, and 10, Block 5 or modify the building setback line shown in Exhibit E for these lots.
2. Page 3, footnote ** that says "R-3 at 7,000 s.f. per dwelling unit permits 41 dwelling units" is incorrect. This theoretical density must also include half the street area ($25 \times 60 = 1,500$ square feet). Therefore note should say "R-3 at 8,500 square feet per dwelling unit permits 34 dwelling units."

Discussion followed and Brent Murphy clarified how each application is related to the others.

Darin Akerman commented regarding the many issues and concerns involved in developing property, particularly in regard to stub streets as they affect this project. He said Berkshire Development LLC owns 22 of the 46 lots in Berkshire and has the opportunity to make certain modifications and amend certain restrictions to the development and asked for the support of the Planning Commission for this requested modification to the PUD. The modification requested was discussed.

6. continued

Motion by Johnnie Parks to deny PUD 120B. The motion was seconded by Bob Goranson.

Yes: Jones, Parks, Caldwell, Goranson

No: None

Motion approved

Motion by Johnnie Parks to recommend approval of BAZ 1606. The motion was seconded by Ricky Jones.

Yes: Jones, Parks, Caldwell, Goranson

No: None

Motion approved

Motion by Johnnie Parks to deny the Castlegate preliminary plat. The motion was seconded by Ricky Jones.

Yes: Jones, Parks, Caldwell, Goranson

No: None

Motion approved

Bob Goranson said the applicant has 15 days in which to appeal these denials. He said BAZ 1606 will be considered by the City Council in their meeting of August 18, 2003.

7

The Commission considered PUD 133A, BAZ 1605, Cacy Mini-storage, R-2, north of the Creek Turnpike, on the east side of 9th Street (Lynn Lane), Lewis Engineering PLLC (Applicant). Brent Murphy presented the background, saying this is a request to change the zoning on 53.6 acres from A-1 to R-2 and FD and a major amendment to PUD 133A on 66.37 acres, which includes the 13.31 acres previously approved by the City Council, as well as BAZ 1585. He said the applicant is proposing to have three tracts, one containing mini-storage, the center being open space area, the third, to the east, to have four single-family residential units, and to waive platting on the third tract only.

Bill Lewis, 5879 South Garnett Road, Tulsa, engineer on this project, said he agrees with all the Staff recommended conditions and requested approval of these requests. The Commission discussed the frontages of the property. There were no protestants present.

Brent Murphy said Staff recommends approval of BAZ 1605 and PUD 133A, subject to two conditions:

1. Fifty feet of right-of-way being provided along 9th Street (Lynn Lane) along with an additional 17.5 feet of utility easement. With the recording of these documents, platting for BAZ 1605 can be waived.
2. Tracts 1 and 2 of PUD 133A being platted.

Motion by Renate Caldwell to recommend approval of BAZ 1605 and PUD 133A as recommended by Staff. The motion was seconded by Johnnie Parks.

Yes: Jones, Parks, Caldwell, Goranson

No: None

Motion approved

Bob Goranson said these items will be considered by the City Council in their meeting of August 18.

8. The Commission considered PUD 106A, Red Robin Restaurant, 1.65 acres, C-2/PUD 106, east of the southeast corner of Garnett Road and Kenosha Street, Tanner Consulting LLC (Applicant/Engineer).

Ricky Jones stepped down from the podium, saying he had a potential conflict of interest.

Brent Murphy presented the background, saying the applicant is requesting they be allowed to have a 20-foot high sign, located 23.8 feet from the right-of-way line. He said Staff recommends approval as requested.

Kevin Connell, with Formart, Ltd, 1835 Douglas Avenue, Dallas, Texas, representing Red Robin Gourmet Burgers, said they agree with the Staff recommendations.

Motion by Johnnie Parks to approve PUD 106A. The motion was seconded by Renate Caldwell.

Yes: Parks, Caldwell, Goranson

No: None

Motion approved

Ricky Jones returned to the podium.

9. **DISCUSSION ITEMS**

None.

10. **REMARKS, INQUIRIES AND COMMENTS BY PLANNING COMMISSION AND STAFF**
(NO ACTION)

Justin Cook, City Engineer, said the Engineering Department is moving away from placing stub streets in subdivisions, due to problems encountered: Parking, deterioration, dust and debris, complaints, water, etc. He said stub streets cannot be maintained properly. Discussion followed.

11. **Motion** by Ricky Jones at 6:58 p.m. to adjourn. The motion was seconded by Johnnie Parks

Yes: Jones, Parks, Caldwell, Goranson

No: None

Motion approved